

Mr. President, I yield back the remainder of my time.

Mr. MCCONNELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CRAPO). Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that all remaining time be yielded back on both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, I ask for the yeas and nays on the Smith nomination.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Bradley A. Smith, of Ohio, to be a Member of the Federal Election Commission? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Delaware (Mr. BIDEN) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 64, nays 35, as follows:

[Rollcall Vote No. 107 Ex.]

YEAS—64

Abraham	Fitzgerald	Moynihan
Allard	Frist	Murkowski
Ashcroft	Gorton	Nickles
Baucus	Graham	Reid
Bennett	Gramm	Roberts
Bond	Grams	Roth
Breaux	Grassley	Santorum
Brownback	Gregg	Sessions
Bryan	Hagel	Shelby
Bunning	Hatch	Smith (NH)
Burns	Helms	Smith (OR)
Campbell	Hutchinson	Snowe
Chafee, L.	Hutchison	Specter
Cochran	Inhofe	Stevens
Collins	Inouye	Thomas
Coverdell	Jeffords	Thompson
Craig	Kyl	Thurmond
Crapo	Leahy	Torricelli
DeWine	Lott	Voinovich
Dodd	Lugar	Warner
Domenici	Mack	
Enzi	McConnell	

NAYS—35

Akaka	Feinstein	Lincoln
Bayh	Harkin	McCain
Bingaman	Hollings	Mikulski
Boxer	Johnson	Murray
Byrd	Kennedy	Reed
Cleland	Kerrey	Robb
Conrad	Kerry	Rockefeller
Daschle	Kohl	Sarbanes
Dorgan	Landrieu	Schumer
Durbin	Lautenberg	Wellstone
Edwards	Levin	Wyden
Feingold	Lieberman	

NOT VOTING—1

Biden

The nomination was confirmed.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the next votes in this series be limited to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF DANNY LEE McDONALD, OF OKLAHOMA, TO BE A MEMBER OF THE FEDERAL ELECTION COMMISSION

The legislative clerk read the nomination of Danny Lee McDonald, of Oklahoma, to be a member of the Federal Election Commission.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Danny Lee McDonald, of Oklahoma, to be a member of the Federal Election Commission?

Mr. MCCONNELL. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Delaware (Mr. BIDEN) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 98, nays 1, as follows:

[Rollcall Vote No. 108 Ex.]

YEAS—98

Abraham	Feingold	Lugar
Akaka	Feinstein	Mack
Allard	Fitzgerald	McConnell
Ashcroft	Frist	Mikulski
Baucus	Gorton	Moynihan
Bayh	Graham	Murkowski
Bennett	Gramm	Murray
Bond	Grams	Nickles
Bingaman	Grassley	Reed
Boxer	Gregg	Reid
Breaux	Hagel	Robb
Brownback	Harkin	Roberts
Bryan	Hatch	Rockefeller
Bunning	Helms	Roth
Burns	Hollings	Santorum
Byrd	Hutchinson	Sarbanes
Campbell	Hutchison	Schumer
Chafee, L.	Inhofe	Sessions
Cleland	Inouye	Shelby
Cochran	Jeffords	Smith (NH)
Collins	Johnson	Smith (OR)
Conrad	Kennedy	Snowe
Coverdell	Kerrey	Specter
Craig	Kerry	Stevens
Crapo	Kohl	Thomas
Daschle	Kyl	Thompson
DeWine	Landrieu	Thurmond
Dodd	Lautenberg	Torricelli
Domenici	Leahy	Voinovich
Dorgan	Levin	Warner
Durbin	Lieberman	Wellstone
Edwards	Lincoln	Wyden
Enzi	Lott	

NAYS—1

McCain

NOT VOTING—1

Biden

The nomination was confirmed.

NOMINATION OF TIMOTHY B. DYK, OF THE DISTRICT OF COLUMBIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FEDERAL CIRCUIT

The PRESIDING OFFICER. The clerk will report the next nomination.

The assistant legislative clerk read the nomination of Timothy B. Dyk, of the District of Columbia, to be United States Circuit Judge for the Federal Circuit.

Mr. LEAHY. Mr. President, yesterday some Republicans opposed Tim Dyk's confirmation to the Federal Circuit based on the workload of that court. Last evening I inserted in the RECORD a letter from the Chamber of Commerce that argued for his nomination in terms of the court's important workload and cases.

I am troubled that at a time when we are working through the night to try to preserve a digital signature bill to help encourage electronic commerce and protect consumers, when we are trying to work through Republican holds on the H1-B visa bill and increase the availability of high tech workers and improve training of American workers, when we are trying to improve on-line privacy and Internet security, I see such insensitivity to the needs of the Federal Circuit and its role in our economy and in our judicial system.

We designed the Federal Circuit to be our patent court. It has extraordinarily complex cases that are of increasing importance as our economy becomes more and more based on technological developments. Prompt and proper adjudication of cases before that court are in many ways critical to the continued growth of our economy and our economic future.

I see vacancies on that court as high priorities. I know that the other Democratic Senators share my view. I have been greatly troubled by the perpetuation of this vacancy on the Federal Circuit for more than two years while the Dyk nomination has been held back from Senate action. That is wrong. It is unfair to Tim Dyk and his family. It is short-sighted with respect to the important matters on the docket of the Federal Circuit.

That was the point of the Chamber of Commerce letter last August. Filling the vacancy on the Federal Circuit should be a priority of the Senate. The Federal Circuit should have all the resources it needs to do its job and resolve intellectual property disputes intelligently, fairly, and expeditiously.

Nonetheless, in spite of all these considerations and what I had hoped was a bipartisan commitment to the growth of our high tech economy, some are arguing that because its caseload numbers are not inflated by prisoner petition, criminal cases or scores of simple civil cases our nation's patent court ought not to have its needs fulfilled. I disagree.

Moreover, I have to wonder whether we would even be hearing that argument if a Republican President were